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THE UNION OF SOUTH AFRICA

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On May 31, 1910, the Union of South Africa became an accomplished fact. The four provinces of Cape Colony, Natal, the Orange Free State (which bears again its old time name) and the Transvaal are henceforth joined, one might almost say amalgamated, under a single government. They will bear to the central government of the British empire the same relation as the other self-governing colonies—Canada, Newfoundland, Australia and New Zealand. The Empire will thus assume the appearance of a central nucleus with four outlying parts corresponding to geographical and racial divisions, and forming in all a ground plan that seems to invite a renewal of the efforts of the Imperial Federationist. To the scientific student of government the Union of South Africa is chiefly of interest for the sharp contrast it offers to the federal structure of the American, Canadian and other systems of similar historical ground. It represents a reversion from the idea of State rights, and balanced indestructible powers and an attempt at organic union by which the constituent parts are to be more and more merged in the consolidated political unit which they combine to form.

But the Union and its making are of great interest also for the general student of politics and history, concerned rather with the development of a nationality than with the niceties of constitutional law. From this point of view the Union comes as the close of a century of strife, as the aftermath of a great war, and indicates the consummation, for the first time in history, of what appears as a solid basis of harmony between the two races in South Africa. In one shape or other union has always been the goal of South African aspiration. It was 'Union' which the

“prancing proconsuls” of an earlier time—the Freres, the Shepstone’s and the Lanyons—tried to force upon the Dutch. A united Africa was at once the dream of a Rhodes and (perhaps) the ambition of a Kruger. It is necessary to appreciate the strength of this desire for union on the part of both races and the intense South African patriotism in which it rests in order to understand how the different sections and races of a country so recently locked in the death struggle of a three years’ war could be brought so rapidly into harmonious concert.

The point is well illustrated by looking at the composition of the Convention, which, in its sessions at Durban, Cape Town and Bloemfontein, put together the present constitution. South Africa, from its troubled history, has proved itself a land of strong men. But it was reserved for the recent convention to bring together within the compass of a single council room the surviving leaders of the period of conflict to work together for the making of a united state. In looking over the list of them and reflecting on the part that they played towards one another in the past, one realizes that we have here a grim irony of history. Among them is General Louis Botha, Prime Minister at the moment of the Transvaal, and now the first prime minister of South Africa. Botha, in the days of General Buller and the Dugela, was the hardest fighter of the Boer republic. Beside him in the convention was Dr. Jameson, whom Botha wanted to hang after the raid in 1896. Another member is Sir George Farrar, who was sentenced to death for complicity in the raid, and still another, Sir Percy Fitzpatrick, once the secretary of the Reform League at Johannesburg and well known as the author of the “Transvaal from Within.” One may mention in contrast General Jan Smuts, an ex-leader of the Boer forces, and since the war the organizing brain of the Het Volk party. There is also Mr. Merriman, a leader of the British party of opposition to the war in 1899 and since then a bitter enemy of Lord Milner and the new régime.

Yet strangely enough after some four months of session the convention accomplished the impossible by framing a constitution that met the approval of the united delegates. Of its proceedings no official journal was kept. The convention met first

at Durban, October 12, 1908, where it remained throughout that month; after a fortnight's interval it met again at Capetown, and with a three weeks' interruption at Christmas continued and completed its work at the end of the first week of February. The constitution was then laid before the different colonial parliaments. In the Transvaal its acceptance was a matter of course, as the delegates of both parties had reached an agreement on its terms. The Cape Parliament passed amendments which involved giving up the scheme of proportional representation as adopted by the convention. Similar amendments were offered by the Orange River Colony in which the Dutch leader sympathized with the leader of the Afrikanerbond at the Cape in desiring to swamp out, rather than represent, minorities. In Natal, which as an ultra-British and ultra-loyal colony, was generally supposed to be in fear of union, many amendments were offered. The convention then met again at Bloemfontein, made certain changes in the draft of the constitution and again submitted the document to the colonies. This time it was accepted. Only in Natal was it thought necessary to take a popular vote, and here, contrary to expectation, the people voted heavily in favor of union. The logic of the situation compelled it. In the history of the movement Natal was cast for the same rôle as Rhode Island in the making of the Federal Union of the United States of America. The other colonies once brought together into a single system, with power to adopt arrangements in their own interests in regard to customs duties and transportation rates, sheer economic pressure would have compelled the adhesion of Natal. In the constitution now put in force in South Africa the central point of importance is that it establishes what is practically a unitary and not a federal government. The underlying reason for this is found in the economic circumstances of the country and in the situation in which the provinces found themselves during the years after the war. Till that event the discord of South Africa was generally thought of rather as a matter of racial rivalry and conflicting sovereignties than of simple questions of economic and material interests.

But after the conclusion of the compact of Vereiniging in 1902

it was found that many of the jealousies and difficulties of the respective communities had survived the war, and rested rather upon economic considerations than racial rivalries.

To begin with, there was the question of customs relations. The colonies were separate units, each jealous of its own industrial prosperity. Each had the right to make its own tariff, and yet the division of the country, with four different tariff areas, was obviously to its general disadvantage. Since 1903 the provinces had been held together under the Customs Union of South Africa—made by the governments of the Cape and Natal and the Crown Colony governments of the conquered provinces. This was but a makeshift arrangement, with a common tariff made by treaty, and hence rigidly unalterable, and with a pro rata division of the proceeds.

Worse still was the railroad problem, which has been in South Africa a bone of contention ever since the opening of the mines of the Rand offered a rich prize to any port and railway that could capture the transit trade.

The essence of the situation is simple. The centre of the wealth of South Africa is the Johannesburg mines. This may not be forever the case, but in the present undeveloped state of agriculture and industrial life, Johannesburg is the dominating factor of the country.

Now, Johannesburg cannot feed and supply itself. It is too busy. Its one export is gold. Its quarter of a million people must be supplied from the outside. But the Transvaal is an inland country dependent on the sea ports of other communities. In position Johannesburg is like the hub of a wheel from which the railways radiate as spokes to the seaports along the rim. The line from Cape Town to Johannesburg, a distance of over 700 miles, was the first completed, and until 1894 the Cape enjoyed a monopoly of carrying the whole trade of Johannesburg. But with the completion of the tunnel through the mountains at Laing's Nek the Natal government railway was able to connect with Johannesburg and the port of Durban entered into competition with the Cape Ports of Cape Town and East London over a line only 485 miles long.

Finally, the opening of the Delagoa Bay Railway in 1894 supplied Johannesburg with an access to the sea over a line 396 miles long, of which 341 was in the Transvaal itself. This last line, it should be noticed, led to a Portuguese seaport, and at the time of its building traversed nowhere British territory. Hence it came about that in the all-important matter of railroad communication the interests of the Transvaal and of the seaboard colonies were diametrically opposed.

To earn as large a revenue as possible it naturally adjusted the rates on its lines so as to penalize the freight from the colonies and favor the Delagoa Bay road. When the colonies tried in 1895 to haul freight by ox-team from their rail-head at the frontier to Johannesburg President Kruger "closed the drifts" and almost precipitated a conflict in arms. Since the war the same situation has persisted, aggravated by the completion of the harbor works and docks at Lorenzo Marques, which favors more than ever the Delagoa route. The Portuguese seaport at present receives some 67 per cent of the traffic from the Rand, while the Cape ports, which in 1894 had 80 per cent of the freight, now receive only 11 per cent.

Under Lord Milner's government the unification of the railways of the Transvaal and the Orange River colony with the Central South African Railways amalgamated the interests of the inland colonies, but left them still opposed to those of the seaboard. The impossibility of harmonizing the situation under existing political conditions has been one of the most potent forces in creating a united government which alone could deal with the question.

An equally important factor has been the standing problem of the native races, which forms the background of South African politics. In no civilized country is this question of such urgency. South Africa, with a white population of only 1,133,000 people, contains nearly 7,000,000 native and colored inhabitants, many of them such as the Zulus and the Basutos, fierce, warlike tribes scarcely affected by European civilization, and wanting only arms and organization to offer a grave menace to the welfare of the white population. The Zulus, numbering a million, inhabiting

a country of swamp and jungle impenetrable to European troops, have not forgotten the prowess of a Cetewayo and the victory of Isandhwana.

It may well be that some day they will try the fortune of one more general revolt before accepting the permanent overlordship of their conquerors. Natal lives in apprehension of such a day. Throughout all South Africa, among both British and Dutch, there is a feeling that Great Britain knows nothing of the native question.

The British people see the native through the softly-tinted spectacles of Exeter Hall. When they have given him a Bible and a breech-cloth they fondly fancy that he has become one of themselves, and urge that he shall enter upon his political rights. They do not know that to a savage, or a half-civilized black, a ballot box and a voting paper is about as comprehensible as a telescope or a pocket camera—it is just a part of the white man's magic, containing some particular kind of devil of its own. The South Africans think that they understand the native. And the first tenet of their gospel is that he must be kept in his place. They have seen the hideous tortures and mutilations inflicted in every native war. If the native revolts they mean to shoot him into marmalade with machine guns. Such is their simple creed. And in this matter they want nothing of what Mr. Merriman recently called the “damnable interference” of the mother country. But to handle the native question there had to be created a single South African Government, competent to deal with it.

The constitution creates for South Africa a union entirely different from that of the provinces of Canada or the states of the American republic. The government is not federal, but unitary. The provinces become areas of local governments, with local elected councils to administer them, but the South African parliament reigns supreme. It is to know nothing of the nice division of jurisdiction set up by the American constitution and by the British North America Act. There are of course, limits to its power. In the strict sense of legal theory, the omnipotence of the British Parliament, as in the case of Canada, remains unimpaired. Nor can it alter certain things,—for example, the native franchise

of the Cape, and the equal status of the two languages,—without a special majority vote. But in all the ordinary conduct of trade, industry and economic life, its power is unhampered by constitutional limitations.

The constitution sets up as the government of South Africa a legislature of two houses—a Senate and a House of Assembly—and with it an executive of ministers on the customary tenure of cabinet government. This government, strangely enough, is to inhabit two capitals: Pretoria as the seat of the Executive Government and Cape Town as the meeting place of the Parliament. The experiment is a novel one. The case of Simla and Calcutta, in each of which the Indian government does its business, and on the strength of which Lord Curzon has defended the South African plan, offers no real parallel. The truth is that in South Africa, as in Australia, it proved impossible to decide between the claims of rival cities. Cape Town is the mother city of South Africa. Pretoria may boast the memories of the fallen republic, and its old-time position as the capital of an independent state. Bloemfontein has the advantage of a central position, and even garish Johannesburg might claim the privilege of the money power. The present arrangement stands as a temporary compromise to be altered later at the will of the parliament.

The making of the Senate demanded the gravest thought. It was desired to avoid if possible the drowsy nullity of the Canadian Upper House and the preponderating “bossiness” of the American. Nor did the example of Australia, where the Senate, elected on a “general ticket” over huge provincial areas, becomes thereby a sort of National Labor Convention, give any assistance in a positive direction. The plan adopted is to cause each present provincial parliament, and later each provincial council, to elect eight senators. The plan of election is by proportional representation, into the arithmetical juggle of which it is impossible here to enter. Eight more senators will be appointed by the Governor, making forty in all. Proportional representation was applied also in the first draft of the constitution to the election of the Assembly.

It was thought that such a plan would allow for the represen-

tation of minorities, so that both Dutch and British delegates would be returned from all parts of the country. Unhappily, the Afrikanerbond—the powerful political organization supporting Mr. Merriman, and holding the bulk of the Dutch vote at the Cape—took fright at the proposal. Even Merriman and his colleagues had to vote it down.

Without this they could not have saved the principle of “equal rights,” which means the more or less equal (proportionate) representation of town and country. The towns are British and the country Dutch, so the bearing of equal rights is obvious. Proportional representation and equal rights were in the end squared off against one another.

South Africa will retain duality of language, both Dutch and British being in official use. There was no other method open. The Dutch language is probably doomed to extinction within three or four generations. It is in truth not one linguistic form, but several: the Taal or kitchen Dutch of daily speech, the “lingua franca” of South Africa; the School Taal, a modified form of it, and the High Dutch of the scriptural translations brought with the Boers from Holland. Behind this there is no national literature, and the current Dutch of Holland and its books varies some from all of them. English is already the language of commerce and convenience. The only way to keep Dutch alive is to oppose its use. Already the bitterness of the war has had this effect, and language societies are doing their best to uphold and extend the use of the ancestral language.

It is with a full knowledge of this that the leaders of the British parties acquiesced in the principle of duality.

The native franchise was another difficult question. At present neither natives nor “colored men” (the South African term for men of mixed blood), can vote in the Transvaal, the Orange River and Natal. Nor is there the faintest possibility of the suffrage being extended to them, both the Dutch and the British being convinced that such a policy is a mistake. In the Cape natives and colored men, if possessed of the necessary property and able to write their names are allowed to vote. The name writing is said to be a farce, the native drawing a picture of his name under

guidance of his political boss. Some 20,000 natives and colored people thus vote at the Cape and neither the Progressives nor the Bond party dared to oppose the continuance of the franchise, lest the native vote should be thrown solid against them. As a result each province will retain its own suffrage, at least, until the South African Parliament by a special majority of two-thirds in a joint session shall decide otherwise.

The future conformation of parties under the union is difficult to forecast. At present the Dutch parties—they may be called so for lack of a better word—have large majorities everywhere except in Natal. In the Transvaal General Botha's party—Het Volk, the Party of the People—is greatly in the ascendant. But it must be remembered that Het Volk numbers many British adherents. For instance, Mr. Hull, Botha's treasurer, in the outgoing government, is an old Johannesburg "reformer," of the Uitlander days, and fought against the Boers in the war. In the Orange Free State the party called the Unie (or United Party) has a large majority while at the Cape Dr. Jamieson's party of progressives can make no stand against Mr. Merriman, Mr. Malan, Mr. Sauer, and the powerful organization of the Afrikanerbond.

How the new government will be formed it is impossible to say. Botha and Merriman will, of course, constitute its leading factors. But whether they will attempt a coalition by taking in with them such men as Sir Percy Fitzpatrick and Dr. Jamieson, or will prefer a more united and less universal support is still a matter of conjecture. From the outsider's point of view, a coalition of British and Dutch leaders, working together for the future welfare of a common country, would seem an auspicious opening for the new era. But it must be remembered that General Botha is under no necessity whatever to form such a coalition. If he so wishes he can easily rule the country without it as far as a parliamentary majority goes. Not long since an illustrious South African, a visitor to Montreal, voiced the opinion that Botha's party will rule South Africa for twenty years undisturbed. But it is impossible to do more than conjecture what will happen. *Ex Africa semper quid novi.*

Most important of all is the altered relation in which South Africa will now stand to the British Empire.

The Imperial government may now be said to evacuate South Africa, and to leave it to the control of its own people. It is true that for the time being the Imperial government will continue to control the native protectorates of Basutoland, Bechuanaland and Swaziland. But the Constitution provides for the future transfer of these to the administration of a commission appointed by the colonial government. Provision is also made for the future inclusion of Rhodesia within the Union. South Africa will therefore find itself on practically the same footing as Canada or Australia within the British Empire. What its future fate there will be no man can yet foretell. In South Africa, as in the other Dominions, an intense feeling of local patriotism and "colonial nationalism" will be matched against the historic force and the practical advantages of the Imperial connection. Even in Canada, there is no use in denying it, there are powerful forces which, if unchecked, would carry us to an ultimate independence. Still more is this the case in South Africa.

It is a land of bitter memories. The little people that fought for their republics against a world in arms have not so soon forgotten. It is idle for us in the other parts of the Empire to suppose that the bitter memory of the conflict has yet passed, that the Dutch have forgotten the independence for which they fought, the Vier Klur flag that is hidden in their garrets still, and the twenty thousand women and children that lie buried in South Africa as the harvest of the conqueror. If South Africa is to stay in the Empire it will have to be because the Empire will be made such that neither South Africa nor any other of the dominions would wish to leave it. For this, much has already been done. The liberation of the Transvaal and Orange River from the thralldom of their Crown Colony government, and the frank acceptance of the Union Constitution by the British government are the first steps in this direction. Meantime that future of South Africa, as of all the Empire, lies behind a veil.